

REGULAR COUNCIL MINUTES

Meeting #: C-16/2021 - Regular Council
Date: Monday, October 4, 2021
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin
Lisa Haun
Bob Hildebrandt
Ron Kore
Wayne Olson
Marianne Stewart
John Wink

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Barbara Wiens
Holly Willford
Charlotte Tunikaitis
Sarah Leach

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:45pm.

1.1 Land Recognition Statement

The Mayor read the Pelham Land Recognition Statement into the record.

2. Approval of Agenda

Moved By Lisa Haun

Seconded By Marianne Stewart

BE IT RESOLVED THAT the agenda for the October 4, 2021 Regular meeting of Council be adopted.

	For	Against
Marvin Junkin	X	

Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

3. Disclosure of Pecuniary Interests and General Nature Thereof

3.1 Bob Hildebrandt - Appointment to Peninsula West Power Inc. Board of Directors - Councillor Hildebrandt

Councillor Hildebrandt declared a conflict with respect to item 8.4.1 on the consent agenda, subsequently lifted to item 9.2. He stated he is a member of the board.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Pandemic Update - CEMC

Fire Chief and Community Emergency Management Co-Ordinator presented updated information as it relates to the ongoing worldwide pandemic, COVID-19.

Moved By Bob Hildebrandt

Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

4.1.2 COVID-19 Pandemic Update - CAO

Mr. David Cribbs, CAO, up-dated Council on the Town of Pelham’s staff mandatory vaccination policy. He stated the policy as drafted relates to staff and not elected officials.

Moved By John Wink
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from D. Cribbs, Chief Administrative Officer, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

4.2 Delegations

4.2.1 Joint Accessibility Advisory Committee ("JAAC")

Mr. Rhys Evans and Ms. Ann Villalta provided Council an update presentation with respect to the Joint Accessibility Advisory Committee. A copy of the presentation is on record with the Clerk.

Moved By Marianne Stewart
Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive the delegation from Rhys Evans and Ann Villalta on behalf of the Joint Accessibility Advisory Committee, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	

John Wink	X	
Results	7	0
Carried (7 to 0)		

4.2.2 Turkstra Mazza Associates re: Kunda Park and Forest Park

Mr. Scott Snider from Turkstra Mazza Associates provided Council a presentation on behalf of his clients being the applicants of the Kunda Park and Forest Park proposed developments. Mr. Snider requested Council consider providing an exemption to their previous motion barring all crossings over the Steve Bauer Trail.

Moved By Ron Kore
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the delegation from Turkstra Mazza Associates regarding Kunda Park and Forest Park, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

4.3 Report of Regional Councillor

5. Adoption of Minutes

Moved By Wayne Olson
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. SC-15/2021 - Special Council - September 20, 2021; and**
- 2. RC-15/2021 - Regular Council - September 20, 2021.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	

Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

6. Business Arising from Council Minutes

7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

Councillor Wink requested item 8.3.2 be lifted.

Councillor Stewart requested item 8.4.1 be lifted.

8. Consent Agenda Items to be Considered in Block

Moved By John Wink

Seconded By Ron Kore

BE IT RESOLVED THAT the Consent Agenda items as listed on the October 4, 2021 Council Agenda be received and the recommendations contained therein be approved, save and except items 8.3.2 and 8.4.1:

8.3. Staff Reports of a Routine Nature for Information or Action

8.3.1. Renaming of Human Resources and Health and Safety Department, 2021-0171-Chief Administrator Officer

BE IT RESOLVED THAT Council receive Report #2021-0171 – Renaming the Human Resources and Health and Safety Department, for information purposes.

~~8.3.2 Town Policy Regime Requiring Staff Vaccination, 2021-0169—Chief Administrator Officer——~~

~~BE IT RESOLVED THAT Council receive Report #2021-0169—Town Policy Requiring Staff Vaccination, for information purposes—(lifted)~~

8.4. Action Correspondence of a Routine Nature

~~8.4.1. Appointment to Peninsula West Power Inc. Board of Directors—Councillor Hildebrandt——~~

~~BE IT RESOLVED THAT the Council receive the correspondence from the Peninsula West Power Inc. advising that the Pelham representative term for Councillor Hildebrandt expires on December 31, 2021;~~

~~AND THAT the Town of Pelham nominates Councillor Hildebrandt to be appointed for a subsequent 1-year term, ending December 31, 2022;~~

~~AND THAT Peninsula West Power Inc. and Councillor Hildebrandt be so advised.~~(lifted)

8.4.2. Women's Place of South Niagara Proclamation and Flag Raising Request - International Day for the Elimination of Violence Against Women

BE IT RESOLVED THAT the Corporation of the Town of Pelham hereby proclaim November 25, 2021 as the International Day for the Elimination of Violence Against Women;

AND THAT Council approve the flag raising request for Women's Place of South Niagara for the week of December 2, 2021 to December 9, 2021.

8.5. Information Correspondence Items

8.5.1. Deborah Caldwell-McLellan's Comments re Speeding on Pelham Street

BE IT RESOLVED THAT Council receive correspondence from Deborah Caldwell-McLellan regarding speeding on Pelham Street, for information.

8.5.2. City of Welland Resolution re: Support for Loan to Niagara Central Dorothy Rungeling Airport Commission

BE IT RESOLVED THAT Council receive the resolution dated September 14, 2021 from the City of Welland supporting the \$600,000 loan to Niagara Central Dorothy Rungeling Airport Commission, for information.

8.7. Committee Minutes for Information

8.7.1. Committee of Adjustment Minutes

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated April 7, 2021, May 4, 2021, June 1, 2021, July 6, 2021 and August 3, 2021, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

9. Items for Separate Consideration, if Any

**9.1 Town Policy Regime Requiring Staff Vaccination, 2021-0169-
Chief Administrator Officer**

Moved By John Wink

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2021-0169 – Town Policy Requiring Staff Vaccination, for information purposes.

Amendment: **Moved By** John Wink

Seconded By Ron Kore

THAT the motion be amended to included:

AND THAT Council direct staff to revise the Council Code of Conduct to include that members of Council be required to be fully vaccinated (including booster shots, if necessary)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	1
Carried (6 to 1)		

Main Motion as Amended : **Moved By** John Wink

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2021-0169 – Town Policy Requiring Staff Vaccination, for information purposes;

AND THAT Council direct staff to revise the Council Code of Conduct to include that members of Council be required to be fully vaccinated (including booster shots, if necessary)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore	X	
Wayne Olson	X	

Marianne Stewart	X	
John Wink	X	
Results	6	1
Carried (6 to 1)		

9.2 Appointment to Peninsula West Power Inc. Board of Directors - Councillor Hildebrandt

Councillor Hildebrand vacated the electronic meeting by turning off his video and muting himself.

Moved By John Wink
Seconded By Ron Kore

BE IT RESOLVED THAT the Council receive the correspondence from the Peninsula West Power Inc. advising that the Pelham representative term for Councillor Hildebrandt expires on December 31, 2021;

AND THAT the Town of Pelham nominates Councillor Hildebrandt to be appointed for a subsequent 1 year term, ending December 31, 2022;

AND THAT Peninsula West Power Inc. and Councillor Hildebrandt be so advised.

Amendment: **Moved By** Marianne Stewart
Seconded By Ron Kore

THAT the motion be amended to strike “1 year term, ending December 31, 2022” to be replaced with: “3 year term, ending December 31, 2024”

	For	Against
Marvin Junkin		X
Lisa Haun	X	
Ron Kore	X	
Wayne Olson		X
Marianne Stewart	X	
John Wink		X
Results	3	3
Defeated (3 to 3)		

Original Main Motion: **Moved By** John Wink
Seconded By Ron Kore

BE IT RESOLVED THAT the Council receive the correspondence from the Peninsula West Power Inc. advising that the Pelham representative term for Councillor Hildebrandt expires on December 31, 2021;

AND THAT the Town of Pelham nominates Councillor Hildebrandt to be appointed for a subsequent 1 year term, ending December 31, 2022;

AND THAT Peninsula West Power Inc. and Councillor Hildebrandt be so advised.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

10. Presentation & Consideration of Reports

10.1 Staff Reports Requiring Action

10.1.1 2022 Council Meeting Schedule, 2021-0166-Clerks

Councillor Hildebrandt returned to the meeting electronically.

Moved By John Wink
Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive Report #2021-0166 – Clerks – 2022 Council Meeting Schedule;

AND THAT the 2022 Council Meeting Schedule as provided in Appendix A to this Report be approved, as amended;

AND THAT Staff be directed to publish the 2022 Council Meeting Schedule to the Town of Pelham Website.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

10.1.2 Town of Pelham Wastewater Model and GIS Update, 2021-0157-Public Works

Moved By Marianne Stewart

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-0157 – Town of Pelham Wastewater Model and GIS Update;

AND THAT Council APPROVE the award of the engineering assignment to GM Blue Plan Engineering in the amount of \$75,500 plus HST to complete the update.

AND THAT the Town of Pelham Wastewater Model and GIS Update be funded through capital accounts WST 01-20 (Sanitary I&I Study) and WST 03-21 (Sanitary I&I Study Program – Planned Replacements and Rehabilitation).

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

10.1.3 Kunda Park and Forest Park Road Network and Crossing of Steve Bauer Trail, 2021-0168-Planning

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2021-0168 – Kunda Park and Forest Park Subdivision Road Network and Crossing of Steve Bauer Trail, for information;

AND THAT COUNCIL allow an exception to its motion restricting road crossings over the Steve Bauer Trail by adopting Option #1 in this report which contemplates and allows one road crossing with pedestrian access over the Steve Bauer Trail to connect the proposed Kunda Park Phase 4 subdivision and the proposed Forest Park subdivision;

AND THAT COUNCIL direct staff to prepare the By-law to dedicate the proposed Steve Bauer Trail crossing as a public road allowance for Council’s consideration.

Amendment: **Moved By** Lisa Haun
Seconded By John Wink

THAT the motion be amended to strike paragraphs 2 and 3;

AND THAT Council direct staff to work with the developer to develop further options available for Council's consideration with respect to trail crossings, other than level crossings (overpass, underpass, tunnel, etc.)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		X
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	1
Carried (6 to 1)		

Main Motion as Amended: **Moved By** Bob Hildebrandt
Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2021-0168 – Kunda Park and Forest Park Subdivision Road Network and Crossing of Steve Bauer Trail, for information;

AND THAT Council direct staff to work with the developer to develop further options available for Council's consideration with respect to trail crossings, other than level crossings (overpass, underpass, tunnel, etc.)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		X
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	

Carried (6 to 1)

10.2.1 Councillor Hildebrandt

Carried (7 to 0)

1. By-law 4391(2021) - Being a by-law to authorize the execution of a Development Agreement for the lands located at 614 Metler Road. Timothy Isaac Sinke & Laura Rose-Marie Sinke. File No. DA-02-21

2. By-law 4392(2021) - Being a by-law to amend By-law No. 4299(2020) to establish 2021 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to Add Fees and Charges to the Public Works Schedule.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

14. Motions and Notices of Motion

14.1 Councillor Olson - Remembrance Day

The Mayor vacated his seat and Deputy Mayor Wink presided over this portion of the meeting.

Moved By Wayne Olson
Seconded By Marvin Junkin

WHEREAS the Town of Pelham is committed to the preservation of community heritage by way of recognizing and commemorating Remembrance Day;

AND WHEREAS on November 11, 2021, the Town of Pelham will join in the nationwide day of Remembrance to mark the sacrifice of the many who have fallen in the service of their country and acknowledge the courage, valor and sacrifice of the military personnel who have served and continue to serve;

AND WHEREAS the Canadian Warplane Heritage Museum historically hosts the largest annual indoor Remembrance Day service and second largest attended Remembrance Day service in Canada which has been suspended due to the COVID-19 pandemic;

AND WHEREAS the Canadian Warplane Heritage Museum is committed to the recognition of Remembrance Day thereby proposing a community Cenotaph flyover traversing Hamilton and participating communities with the Lancaster and B25 vintage military aircraft;

AND WHEREAS the Canadian Warplane Heritage Museum has called upon communities within the Golden Horseshoe for monetary support to facilitate a community Cenotaph flyover;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Pelham pledge a contribution of \$2,500.00 to offset the expense of operating the vintage military aircraft to be used within the 2021 Remembrance Day service and ensure the Town’s inclusion in this act of Remembrance;

AND THAT staff are authorized and directed to make said contribution from the Special Events account and provide the payment to the Canadian Warplane Heritage Museum forthwith.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

14.2 Councillor Olson - 2022 Year of the Garden Proclamation

The Mayor returned to his seat as presiding officer.

During the discussion of this matter, Councillor Stewart advised her intention to bring a Motion regarding a yearly garden competition.

Moved By Wayne Olson
Seconded By John Wink

WHEREAS the Year of the Garden celebrates the Centennial of Canada’s horticulture sector;

AND WHEREAS gardens and gardening contribute to the quality of life of our municipality and create safe and healthy places where people can come together;

AND WHEREAS gardens and gardening have helped us face the challenges of the COVID pandemic;

AND WHEREAS the Year of the Garden will highlight and celebrate the important contributions of our local gardening organizations and horticulture professionals and businesses;

AND WHEREAS Communities in Bloom in collaboration with the Canadian Garden Council, invites all municipalities to celebrate the Year of the Garden;

NOW THEREFORE BE IT RESOLVED THAT the Town of Pelham hereby proclaims 2022 as the Year of the Garden in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges;

AND THAT the Saturday before Father’s Day, June 18, 2022, be recognized as Garden Day in the Town of Pelham as a legacy of Canada’s Year of the Garden 2022;

AND THAT the Town of Pelham is committed to be a Garden Friendly Town supporting the development of its garden culture;

AND THAT all municipalities across Canada be invited to proclaim 2022 to be the Year of the Garden in their respective municipalities, and that a copy of this Proclamation be provided to the FCM, AMO, and sent to MP Dean Allison for that purpose.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

- 15. Matters for Committee of the Whole or Policy and Priorities Committee**
- 16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee**
- 17. Resolution to Move in Camera**

Moved By John Wink
Seconded By Marianne Stewart

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(b) personal matters about an identifiable individual and (d) - labour relations or employee negotiations (3 item); and

(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose; (i) - a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; j) - a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and (k) - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (1 item)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

18. Rise From In Camera

Moved By Marianne Stewart
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With Report.

Moved By John Wink
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the Pelham Art Advisory Committee application from Tammy van den Brink;

AND THAT Council hereby appoint Tammy van den Brink to the Pelham Art Advisory Committee;

AND THAT the appointment By-Law be presented at the next Regular Meeting of Council being October 18, 2021.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

Moved By Wayne Olson
Seconded By John Wink

WHEREAS the Town of Pelham received funding from the Modernization Grant to review web services;

AND WHEREAS the Town of Pelham has issued two Requests for Proposals for a review of web services with no successful bidder on either occasion;

AND WHEREAS Council for the Town of Pelham deems it desirable at this time to sole source a third party, being ESRI Canada Limited, to complete an independent review for web services, to be funded by the Modernization Grant Intake 2;

AND NOWTHEREFORE BE IT RESOLVED THAT Council for the Town of Pelham direct staff to sole source and hire ESRI Canada Limited to complete a review of web services and to provide the Town of Pelham potential software application options for the Town’s needs, for consideration;

AND THAT Council for the Town of Pelham authorize this expense to be solely covered by the amount of funding received from the Modernization Grant Intake 2.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	

Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

Moved By Lisa Haun
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the Chief Administrative Officer and Clerk be and is hereby authorized to undertake the directions provided during the In Camera meeting of October 4, 2021.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

19. Confirming By-Law

Moved By Wayne Olson
Seconded By Ron Kore

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4394(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 04th day of October, 2021.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	

John Wink	X	
Results	7	0
		Carried (7 to 0)

20. Adjournment

Moved By Ron Kore
Seconded By Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for October 18, 2021 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford